

03 Dec. 04

REMARKS

The Applicant has filed the present Response in reply to the outstanding Official Action of June 28, 2004, and the Applicant believes the Response to be fully responsive to the Official Action for reasons set forth below in greater detail.

At the onset, Applicant would like to thank the Examiner for allowing Claims 2-8, 37-43, 62 and 64. Further, Applicant appreciates that the Examiner has indicated that Claims 11-14, 17-22, 25-31, 35, 50-54, 57 and 59-61 contain allowable subject matter and would be allowed if rewritten to include all of the limitations of base claim and all intervening claims, respectively.

However, Applicant submits that Claims 30-31, are patentable without any amendments. Claims 30-31 are dependant from allowed Claims 2 and 5 respectively, and are patentable for at least the same reasoning as these claims.

Furthermore, Applicant would like to note that the Applicant's representative had a conversation with the Examiner on November 29, 2004. While, the Examiner was incapable or unwilling to discuss the rejections on their merit, effectively denying the Applicant of a requested telephonic interview, the Examiner did indicate that he would be open to reconsider the application based upon arguments that were attempted to be discussed during the conversation, if Applicant drafted a response using the arguments.

In the outstanding Official Action, the Examiner issued multiple rejections under 35 U.S.C. § 103(a) in view of Miller (U.S. Patent 5,608,722) in further view of Honda (U.S. Patent 5,970,084)) in further view of Keskitalo et al. (U.S. Patent 6,091,788) (hereinafter "Keskitalo") and in further view of Mimura (U.S Patent 6,021,123) in various combinations of the above-identified references.

Applicant respectfully disagrees with the Examiner's rejections of the claims that appear in paragraphs 3-7 of the outstanding Official Action and Applicant traverses with at least the following analysis. For the purposes of this response, the Applicant has grouped the claims together to avoid repetition of similar arguments.

With respect to Claims 10, 16, 24, 45, 47-49 and 55, Miller fails to teach a control means that comprises a means for operating all the finger receivers if *a speech signal* is detected by said detecting means. Miller only teaches operating all of the receivers if all of the receivers receive a signal. See Miller col. 16, line 41-48. For example, the reference teaches that if 30 or more receivers receive a speech signal then the data transfer rate approaches five or more gigabits per second as 30 or more receivers are operational. However, the claimed function of operating all of the finger receivers if a speech signal is detected is not the same as what is taught by Miller. In the claimed invention, even if only one of the fingers receive a speech signal, then all of the fingers are operated. For example, if any one of the speech/no speech detectors 8-1 through 8-n detects a speech signal based upon data inversely diffused by the finger receivers 3-1 through 3-n, then all of the finger receiver 3-1 through 30n are operated. This is not congruent with what the reference teaches.

Furthermore, there is no motivation to combine Miller with Honda and Keskitalo. If, as the Examiner suggests, the motivation to combine Honda and Keskitalo is to save power consumption by operating only the finger receivers that receive a useful speech signal, there is no motivation to operate all of the fingers if a speech signal is received, which would not save power consumption. Therefore, one of ordinary skill in the art would not combine Miller with the hypothetically combined Honda and Keskitalo system.

With respect to Claims 9, 15, 23, 32, 33, 44, 46 and 55, Keskitalo does not teach a detecting means for detecting whether there is a *speech signal or not based* on the data inversely diffused by said fingers. As the Examiner admits, on page 6 of the Official Action, Keskitalo differs from the claimed invention because it does not show the step of detecting whether there is a speech signal or not based on the decoded data. The decoded data of Keskitalo is equivalent to inversely diffused data of the present invention. Keskitalo solely teaches that the searchers are used to search for useful signal components and give their parameters, angle of arrival, and the delay profile, and allocate the required number of receiver units based upon this information.

However, the Examiner stated that it would have been obvious to one of ordinary skill in the art at the time of the invention to implement Keskitalo, to show the step of detecting whether there is a speech signal or not based on the decoded data for detailing the useful data. The Examiner based his assertion “upon the preceding information of Keskitalo” cited in the Official Action. See page 6 of the Official Action. The Examiner once again apparently was referencing column 10, lines 36-47 as this teaching. The cited portion of the reference fails to teach this limitation. The reference teaches detecting and searching for useful signal *components and giving their parameters* and controlling the receivers based upon the detected components. This does not suggest detecting whether there is a speech signal or not.

Furthermore, the Examiner failed to cite a reference to support his blanket conclusion. Moreover, the Examiner failed to provide any motivation for the combination or implementation. Therefore, the Examiner has failed to establish a prima facie case of obviousness.

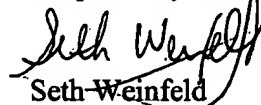
Similarly, Keskitalo does not teach controlling the operating number of finger receivers based upon a detected result of whether there is *a speech signal or not* as specifically claimed by Claim 44.

Lastly, Applicant would like to note that Claim 54 has been amended to correct and minor editorial error. No new matter has been added.

In light of the foregoing, the Applicant respectfully requests the Examiner to withdraw the rejections pursuant to 35 U.S.C. §103(a) and listed in paragraphs 3-7 of the outstanding Official Action.

In conclusion, the Applicant believes that all of the claims in the above-identified application are in condition for allowance and henceforth respectfully solicits the allowance of the application. If the Examiner believes a telephone conference might expedite the allowance of this application, the Applicant respectfully requests that the Examiner call the undersigned, Applicant's attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,



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